

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NERIUM INTERNATIONAL, LLC)	
N/K/A NEORA, LLC AND)	
JEFFREY OLSON)	
Plaintiffs,)	
)	CASE NO.: 1:19-CV-7189
V.)	
)	Judge Sara L. Ellis
FEDERAL TRADE COMMISSION,)	
)	
Defendant.)	
)	

MOTION FOR TELEPHONIC HEARING

Plaintiffs Nerium International, LLC n/k/a Neora LLC and Jeffrey Olson (together, “Nerium”), by and through their undersigned counsel, hereby move this Honorable Court for a telephonic hearing to discuss the effect of the July 27, 2020 Opinion in *FTC v. Neora, LLC et al.*, Civ. No. 19-19699 (D.N.J.) (“NJ Opinion”) on this case and set deadlines for additional motions and/or briefing by the parties, as necessary. In support of their motion, Plaintiffs state as follows:

1. On May 15, 2020, the parties filed a Joint Covid-19 Status Report advising the Court that Defendant Federal Trade Commission’s (“FTC”) Motion to Dismiss was fully briefed, the parties did not anticipate filing additional motions in the next 45 days and, other than the pending motion to dismiss, no issues required Court action. ECF No. 30, *Joint Covid-19 Status Report* at ¶¶ 2-4. Accordingly, the parties did not believe a telephone hearing with the Court was necessary at that time. *Id.* at ¶ 4.

2. The Court has not ruled on the FTC’s Motion to Dismiss this case.

3. The parties to this case are also involved in *FTC v. Neora, LLC et al.*, Civ. No. 19-19699 (D.N.J.) (the “NJ Action”), a parallel case filed by the FTC several hours after Nerium filed the Verified Complaint in this case.

4. On July 27, 2020, the District Court in New Jersey issued the NJ Opinion granting Nerium's motion to transfer the NJ Action to the Northern District of Texas. Thereafter, the FTC filed a "Notice of Supplemental Authority" on July 30, 2020, attaching the NJ Opinion. *See* ECF No. 33, *Notice of Supplemental Authority*. Plaintiffs filed a brief Response to address the FTC's mischaracterizations of the NJ Opinion. ECF No. 34-1, *Response to Notice of Supplemental Authority*.

5. In light of the NJ Opinion, Nerium proposed to the FTC that the parties agree to transfer this case to the Northern District of Texas as well, in order to consolidate all claims in the interest of efficiency. The FTC declined.

6. Nerium intends to file a motion to transfer this case to the Northern District of Texas or, alternatively, voluntarily withdraw the Verified Complaint in this action.

WHEREFORE, for the foregoing reasons, Nerium respectfully requests a telephonic hearing to discuss the effect of the NJ Opinion on this case and set deadlines for Nerium to file a motion to transfer and/or voluntarily dismiss this action as necessary.

Respectfully submitted,

NERIUM INTERNATIONAL, LLC N/K/A
NEORA LLC AND JEFFREY OLSON,

/s/ Jena L. Levin

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Jena L. Levin, an attorney, hereby certify that on August 14, 2020, I caused a copy of the foregoing **Motion for Telephonic Hearing** to be electronically filed using the ECF system, which will automatically serve this filing on all attorneys of record via email.

/s/ Jena L. Levin

Jena L. Levin